

Application No. 10/773,104  
Paper Dated March 29, 2005  
In Response to Office Communication Dated January 12, 2005  
Attorney Docket No. 4503-040244

**REMARKS**

The Office Action of January 12, 2005 has been received, and the Examiner's comments and rejections have been carefully considered. The present Amendment amends claim 29 in accordance with the originally-filed specification, and cancels claim 14. No new matter has been added. Accordingly, claims 13 and 15-30 are pending in this application.

Initially, the Examiner is thanked for indicating that the subject matter of claims 21-28 defines over the prior art of record. In particular, the Examiner objects to claims 21-28 as being dependent upon a rejected base claim, but indicates that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to the rejections, the Examiner initially rejects claims 14, 29 and 30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, with respect to claim 14, the Examiner believes that the term "object" is not a part of the claimed invention and fails to further limit the claimed invention. Claim 14 has been cancelled by the foregoing amendment, and therefore, the rejection of claim 14 is moot. With respect to claim 29, the Examiner's suggested modifications to this claim have been fully adopted and included in the foregoing Amendment, wherein the phrase "is available" has been substituted by the phrase "can be made". Accordingly, the withdrawal of the rejection of claim 29 is respectfully requested.

Finally, the Applicant notes the Examiner's comment on claim 30. In particular, Applicant respectfully submits that the angular plane in which the frame assembly projects is a structural limitation and a result of the structure of the support bracket of the present invention, which is for use in connection with all-terrain vehicles. Accordingly, as this angular displacement details a physical state of the support bracket of the present

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invention, it is respectfully submitted that the limitations of this claim represent patentably distinct features and should receive consideration when determining the patentability thereof. Accordingly, withdrawal of the rejection of claim 30 is respectfully requested.

Claims 13-20, 29 and 30 stand rejected. In particular, these claims stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,651,484 to Fugman. In view of the following remarks, withdrawal of these rejections is respectfully requested.

Independent claim 13 of the present application is directed to an all-terrain vehicle support bracket. In particular, this support bracket includes at least one frame assembly that is removably attachable to a portion of an all-terrain vehicle. Further, the frame assembly includes a support surface thereon. The support surface of the frame assembly is configured to support an object positioned on the support surface.

The Fugman patent is directed to a ladder support accessory for a truck rack. As seen in Fig. 6, 8 and 9 of the Fugman patent, a support bracket is disclosed, and this support bracket retains and holds a ladder. The ladder support accessory 10 of the Fugman patent includes a ladder receiving tubular frame assembly 24, and in particular, two frame assemblies 24. Each of the frame assemblies 24 include a main leg member 42, with a V-shaped extension member at an end and upper arm members.

The structure of the support bracket of the present invention is distinguishable from the ladder support accessory of the Fugman patent. First, the support bracket of the present invention is specifically made and configured for attachment to an all-terrain vehicle, as opposed to a truck. However, much more importantly, the support bracket of the present invention includes at least one frame assembly that is removably attachable to a portion of an all-terrain vehicle. This removable attachment configuration allows a user to simply alter the position of the frame assembly and remove it from the all-terrain vehicle.

Specifically, portions of the frame assembly of the present invention are mechanically impinged against cross members of the front and rear all-terrain vehicle horizontal frame member. Therefore, the frame assemblies 20 of the present invention are designed and configured to be removably attachable to both a front and rear all-terrain vehicle horizontal frame member 52, 60, respectively, as are associated with a traditional all-terrain vehicle 50. In operation, the user orthogonally directs retainment arms 41, 42 of the upper arm member 40 below inner cross member 56 and inner cross member 57 of front all-terrain vehicle horizontal frame member 52, such that the upper circumferential surface of retainment arms 41, 42 mechanically contacts and impinges against a lower circumferential surface of inner cross members 56, 57. Therefore, the frame assembly of the present invention is securely attached to the all-terrain vehicle, however also easily removable therefrom for a variety of purposes.

As best seen in Figs. 3-9 of the Fugman patent, the ladder support accessory disclosed therein is permanently attached to the truck rack 12. In fact, in the Summary of the Invention section of the Fugman patent, the ladder support accessory is described as including “at least one rotary joint having a stationary element **welded or otherwise joined to the side rail....**” (emphasis added). Therefore, the ladder support accessory of the Fugman patent is not removably attachable to the rail 12 of the truck. Instead, once the accessory is attached to the truck, it cannot be removed or otherwise detached as envisioned by the support bracket of the present invention. Accordingly, the ladder support accessory of the Fugman patent does not teach or suggest an all-terrain vehicle support bracket including at least one frame assembly configured to be removably attachable to a portion of an all-terrain vehicle, as specifically set forth in independent claim 13 of the present application.

For the foregoing reasons, none of the Fugman patent or the remaining art of record, whether used alone or in combination, teach or suggest an all-terrain vehicle support

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bracket as claimed and set forth in independent claim 13 of the present application. Therefore, independent claim 13 is not anticipated by or rendered obvious over the Fugman patent or the remaining art of record. There is no hint or suggestion in any of the references cited by the Examiner to combine these references in a manner that would render the invention, as claimed, obvious. Reconsideration of the rejection of independent claim 13 is respectfully requested.

Claims 15-30 depend either directly or indirectly from and add further limitations to independent claim 13 and are believed to be allowable for the reasons discussed hereinabove in connection with independent claim 13. Therefore, for all the above reasons, reconsideration of the rejection of claims 15-20, 29 and 30 is respectfully requested.

For all the foregoing reasons, Applicant believes that claims 13 and 15-30, as amended, are patentable over the cited prior art and in condition for allowance. Further, the Examiner has already indicated that the subject matter of claims 21-28 defines over the art of record. Reconsideration of the rejections and allowance of all pending claims 13 and 15-30 are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By   
Nathan J. Prepelka  
Registration No. 43,016  
Attorney for Applicants  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219-1818  
Telephone: 412-471-8815  
Facsimile: 412-471-4094  
E-mail: [webblaw@webblaw.com](mailto:webblaw@webblaw.com)